

**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

HENRY A. JONES,

Plaintiff,

v.

MILLIGAN, et. al.,

Defendants.

CV F 05 307 AWI SMS P

ORDER DENYING MOTION FOR  
APPEARANCE AND MOTION FOR  
CLARIFICATION

(Docs. 20, 21.)

Henry A. Jones ("Plaintiff") is a federal prisoner proceeding pro se in this civil action. Plaintiff seeks relief pursuant to Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971), which provides a remedy for violation of civil rights by federal actors.

Plaintiff filed the instant action on February 24, 2005. On June 29, 2005, Plaintiff filed a pleading he titled "Motion: Citizen Complaint Demand For Jury Trial." In this document,

1 Plaintiff indicated that he filed a complaint against CDC personnel for conspiracy to cover up  
2 mail destruction and conspiracy to commit murder and makes a demand for a jury trial. The  
3 Court issued an Order disregarding the Motion on January 20, 2006, and explained to the  
4 Plaintiff that he must exhaust all his administrative remedies with respect to claims he wishes to  
5 bring before the Court.

6 On February 21, 2006, Plaintiff filed a Motion requesting that he be brought before the  
7 Court. Plaintiff also makes a demand for a jury trial.

8 On March 17, 2006, Plaintiff filed a Motion for Clarification and Correction of the  
9 Court's Order disregarding the Motion concerning the "Citizen Complaint and Demand for Jury  
10 Trial."

11 Plaintiff complains that he has not been brought before the Court on his Complaint and  
12 then proceeds to explain to the Court why he has not been able to exhaust his administrative  
13 remedies. However, the Court's Order was not an invitation to discuss the exhaustion issue. The  
14 Order merely informed Plaintiff of the exhaustion requirement as Plaintiff appeared to be  
15 complaining about issues that arose *after* he initiated the instant action.

16 Further, Plaintiff is informed that his is not the only civil rights case pending before the  
17 Court. The Court has literally hundreds of similar cases pending before it at any given time.  
18 Generally, the Court proceeds with each case in the order in which they are filed. Plaintiff is also  
19 informed that the Court must first screen the Complaint to determine whether it states a  
20 cognizable claim for relief. Then, it will issue an order setting forth various deadlines in the  
21 case. Plaintiff may refer to the informational order served on him at the initiation of this case for  
22 further information as to how the case proceeds. In any event, the Court will not order Plaintiff  
23 to come to court in person until the matter is set for trial. Until such time as that happens, all  
24 requests to be brought before the Court and demands for jury trial will be denied. Plaintiff  
25 should keep the Court informed of his current address at all times to ensure that he receives  
26 notice of what is happening in his case.

27 With respect to Plaintiff's request for clarification, the Court does not routinely issue  
28 orders explaining its prior orders. The explanation lies within the Order itself. Thus, Plaintiff

1 should refrain from filing Motions seeking clarification and jury demands. As stated above,  
2 Plaintiff may refer to the informational orders provided him at the outset of the case and should  
3 follow any instructions in the Court's orders carefully to aid in the expeditious resolution of his  
4 case. Plaintiff will be informed of deadlines for filing of certain types of motions and he can then  
5 decide if the filing of such motion is warranted.

6 Accordingly, Plaintiff's Motion requesting appearance and Motion for clarification are  
7 DENIED.

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9  
10 IT IS SO ORDERED.

11 **Dated: July 28, 2006**  
icido3

/s/ Sandra M. Snyder  
UNITED STATES MAGISTRATE JUDGE